

### REMARKS/ARGUMENTS

Claims 3-11 and 23 are pending in the Application. By this Amendment, Claims 3 and 23 are being amended to improve their form. No new matter is involved.

In Paragraph 2 on pages 2 and 3 of the Office Action, the claims are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. It is then stated therein that the Specification does not describe determining whether or not the recording position is moved to a changeable position in which the linear speed can be changed to a higher speed and does not describe interrupting the recording of the recorded signal onto the disk when it is determined that the recording position reaches the changeable position. In response, Applicants wish to point out that detection of a point at which the speed can be changed is performed, by way of example, by detecting the position in the radial direction. This is made clear from the description at lines 1-8 of page 15 of the specification. Also, Claims 3 and 23 are being amended in order to better define the present invention. As so amended, both Claim 3 and Claim 23 recite "detecting the recording properties of the disk based on a signal reproduced at a speed before the rotation speed is changed, and reproducing data recorded immediately before the recording of the recording signal onto the disk is interrupted and detecting the recording properties based on the reproduced signal". Therefore, the claims comply with the written description requirement of 35 U.S.C. § 112.

In Paragraph 3 which begins on page 3 of the Office Action, Claims 3-8 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Salmonsén in view of U.S. Patent 6,643,233 of Yen et al. In Paragraph 4 which begins on page 8 of the Office Action, Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Salmonsén in view of Yen and further in view of Takeshita. In

Paragraph 5 which begins on page 9 of the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Salmonsens in view of Yen and further in view of Takeshita. These rejections are respectfully traversed.

In Applicants' Response To Final Office Action of May 19, 2005, the differences between the present invention and the cited references of Salmonsens, Yen, and Takeshita are pointed out. In this connection, Applicants further note that Yen discloses a technique of determining an optimum rotation speed laser power based on an error count of ATIP stored in a pregroove. In contrast, when the recording position reaches a predetermined radial position in arrangements according to the present invention, the recording properties are detected at a recording speed before the rotation speed is changed, and the recording speed is determined.

Thus, the present invention differs from Yen in that (i) the recording properties are detected based on a signal reproduced at a speed before the rotation speed is changed. In addition, and according to the embodiment of the present invention, the recording resumption operation is performed in a manner similar to that in the buffer under-run state. Therefore, the present invention comprises a structure for (ii) reproducing data recorded immediately before the recording operation is interrupted, and detecting the recording properties based on the reproduced signal. In this connection, also note claim 5. These features in accordance with the present invention are neither shown nor suggested by Yen or the other cited references.

Again, Claims 3 and 23 are being amended in order to more clearly set forth the present invention. As so amended, such claims recite "detecting the recording properties of the disk based on a signal reproduced at a speed before the rotation speed is changed, and reproducing data recorded immediately before the recording

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of the recording signal onto the disk is interrupted and detecting the recording properties based on the reproduced signal". Therefore, Claims 3 and 23 are submitted to clearly distinguish patentably over the prior art. Claims 4-11 depend directly or indirectly from and contain all of the limitations of Claim 3, so that such claims are also submitted to clearly distinguish patentably over the cited art.

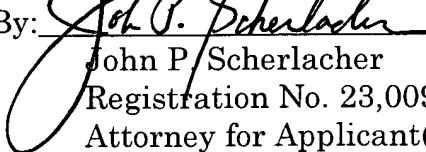
In conclusion, Claims 3-11 and 23 are submitted to clearly distinguish patentably over the prior art for the reasons discussed above. Therefore, reconsideration and allowance are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6846 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,  
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